UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:06-cv-285

JOSEPH K. BEARD,)	
Plaintiff,)	
v.)	ORDER
AKIMA CORPORATION,)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on Defendant Akima Corporation's Motion to Dismiss, filed July 14, 2007, and its Motion to Remand, filed July 18, 2006. The Court has considered the motions and the record, and finds that both parties are citizens of North Carolina, that there is no basis for federal subject matter jurisdiction, and that the parties consent to remand.

THEREFORE, IT IS HEREBY ORDERED that the "...Motion to Remand" (Doc. No. 4) be **GRANTED** and this case is **REMANDED** to the General Court of Justice, Superior Court Division, County of Mecklenburg, North Carolina.

IT IS FURTHER ORDERED that the "...Motion to Dismiss" (Doc. No. 2) be **DENIED**AS MOOT.

Signed: March 29, 2007

Robert J. Conrad, Jr.

Chief United States District Judge